

Message Text

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PAGE 01 STATE 139879
ORIGIN SCS-05

INFO OCT-01 ARA-14 ISO-00 SCA-01 EUR-12 L-03 H-02
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FM SECSTATE WASHDC
TO AMEMBASSY MEXICO PRIORITY
INFO AMCONSUL CIUDAD JUAREZ PRIORITY
AMCONSUL GUADALAJARA PRIORITY
AMCONSUL HERMOSILLO PRIORITY
AMCONSUL MATAMOROS PRIORITY
AMCONSUL MERIDA PRIORITY
AMCONSUL MAZATLAN PRIORITY
AMCONSUL MONTERREY PRIORITY
AMCONSUL NUEVO LAREDO PRIORITY
AMCONSUL TIJUANA PRIORITY

UNCLAS STATE 139879

E.O. 11652: N/A

TAGS: CARR

SUBJECT: SENATE FOREIGN RELATIONS COMMITTEE HEARINGS ON
TREATIES FOR EXECUTION OF PENAL SENTENCES WITH CANADA AND
MEXICO.

1. THE FIRST SESSION OF THE SENATE FOREIGN RELATIONS COM-
MITTEE HEARINGS ON THE TWO ABOVE TREATIES BETWEEN THE UNITED
STATES AND MEXICO AND CANADA WERE OPENED BY CHAIRMAN
SPARKMAN. CONGRESSMAN FORTNEY H. (PETE) STARK (D-CAL.) WAS
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THE LEAD OFF WITNESS. CONGRESSMAN STARK STATED THAT THE
TREATY WAS ONLY A PARTIAL SOLUTION BECAUSE IT FAILED TO
ADDRESS ITSELF TO THE MOST SERIOUS ABUSES WHICH OCCURRED
BEFORE PRISONERS BECAME ELIGIBLE FOR TRANSFER. HE CHARACTER-
IZED THE TREATY AS "TABLE SCRAPS" BUT ADDED "WHEN YOU'RE
STARVING TABLE SCRAPS ARE WELCOME". HE DID RAISE THE
QUESTION OF ITS CONSTITUTIONALITY. NEVERTHELESS HE RECOM-

MENDED THAT THE TREATY BE RATIFIED.

2. HIS TESTIMONY WAS FOLLOWED BY THAT OF CONGRESSMAN BENJAMIN A. GILMAN (R-NY) WHO ALSO CALLED ATTENTION TO ABUSES OF PRISONERS AND REITERATED HIS CONCERN THAT LAW ENFORCEMENT AND HUMAN RIGHTS MUST RECEIVE EQUAL TREATMENT HE ALSO FAVORED APPROVAL OF THE TREATIES.

3. SENATOR CHURCH READ A LETTER FROM A CONSTITUENT CONTAIN-

ING ALLEGATIONS OF ABUSE, CONCERN OVER RIOTS AND ASKED THAT THE LETTER BE PUT INTO THE RECORD. SENATOR JAVITS RAISED THE QUESTION OF THE TREATIES CONSTITUTIONALITY BUT SAID THAT SOMETHING HAD TO BE DONE "ABOUT THE PROBLEM" AND RECOMMENDED THAT THE COMMITTEE WRITE A LETTER TO PRESIDENT CARTER URGING HIM TO TAKE UP PERSONALLY WITH THE PRESIDENT OF MEXICO THE QUESTION OF WHETHER THE MEXICAN GOVERNMENT IS ACTUALLY IN CONTROL OF ITS POLICE. THIS STATEMENT BROUGHT APPLAUSE FROM THE MEMBERS OF THE PUBLIC WHO WERE ATTENDING THE HEARING. CHAIRMAN SPARKMAN CALLED FOR ORDER AND WHILE AGREEING THAT SENATOR JAVITS' PROPOSAL MIGHT BE USEFUL THE COMMITTEE SHOULD FIRST LOOK AT THE FACTS AND DECIDE WHAT TO DO.

4. THE THIRD WITNESS WAS ATTORNEY GENERAL HILL FROM THE STATE OF TEXAS WHO WAS ALSO REPRESENTING THE CONSENSUS OF HIS COLLEAGUES FROM CALIFORNIA, ARIZONA AND NEW MEXICO. HE URGED PASSAGE OF THE TREATY AND STATED THAT TEXAS HAD AMENDED ITS CRIMINAL CODE TO ENABLE IT TO BETTER CARRY OUT UNCLASSIFIED

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THE TERMS OF THE TREATY. HE WENT ON TO RELATE HE HAD VISITED THE SANTA MARTA PRISON IN MEXICO CITY WHERE HE SPOKE WITH 4 YOUNG TEXAS WOMEN INCARCERATED FOR TRAFFICKING HE SAID THEY HAD AGREED UPON THEIR RELEASE THAT THEY WOULD SPEAK TO HIGH SCHOOL STUDENTS THROUGHOUT TEXAS IN AN EFFORT TO WARN YOUNG PEOPLE AGAINST ENGAGING IN SUCH ACTIVITIES. MR. HILL INDICATED THIS WOULD BE THE POSITIVE REHABILITATION ASPECT THAT WOULD RESULT FROM RATIFICATION AND IMPLEMENTATION OF THE TREATY. HE ENGAGED IN A DIALOGUE WITH SENATOR JAVITS OVER THE CONSTITUTIONAL ISSUE (SENATOR JAVITS DID NOT INDICATE PRECISELY WHAT HIS CONSTITUTIONAL OBJECTION WAS BUT MERELY SAID THAT HE THOUGHT THERE WAS SUCH A PROBLEM). MR. HILL INDICATED THAT HE WAS FAMILIAR WITH U.S. CONSTITUTIONAL ISSUES AND PROBLEMS, AND THAT HE HAD BROUGHT ALONG A TEXAS LEGAL OPINION ON THIS AND BELIEVED THAT IT SHOULD BE LEFT TO THE COURTS TO RESOLVE ANY CONSTITUTIONAL ISSUES. HE SUBMITTED FOR THE RECORD THE TEXAS LEGAL OPINION WHICH SUPPORTS THE DEPARTMENT'S OPINION THAT THE TREATY WOULD NOT BE UNCONSTITUTION-

AL.

5. THE COMMITTEE NEXT HEARD FROM A PANEL OF WITNESSES FROM THE ADMINISTRATION: THE ADMINISTRATOR OF THE BUREAU OF SECURITY AND CONSULAR AFFAIRS, MISS BARBARA M. WATSON; THE DEPARTMENT'S LEGAL ADVISER, MR. HERBERT J. HANSELL; MR. PETER F. FLAHERTY, DEPUTY ATTORNEY GENERAL, DEPARTMENT OF JUSTICE; AND MR. PETER B. BENZINGER, THE ADMINISTRATOR OF DEA. (AT THIS POINT THE ONLY MEMBER OF THE COMMITTEE PRESENT WAS CHAIRMAN SPARKMAN.) ALL WITNESSES FROM THE ADMINISTRATION URGED RATIFICATION OF THE TREATY INCLUDING

MR. BENZINGER WHO STATED THAT RATIFICATION AND ENACTMENT OF ENABLING LEGISLATION WOULD NOT LIMIT THE ABILITY OF DEA TO COOPERATE WITH THE MEXICAN FEDERAL JUDICIAL POLICE.

6. CHAIRMAN SPARKMAN THEN READ A SERIES OF QUESTIONS
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WHICH WERE PRIMARILY DIRECTED TOWARDS DEA OPERATIONS. THEN CHAIRMAN SPARKMAN ASKED IF THERE WOULD BE ANY OBJECTIONS IF THE DEPOSITING OF THE ARTICLES OF RATIFICATION WOULD BE POSTPONED UNTIL THE IMPLEMENTING LEGISLATION HAD BEEN APPROVED BY BOTH HOUSES OF CONGRESS. MR. HANSELL ANSWERED THAT THAT WOULD BE NO PROBLEM. THE LAST QUESTION CONCERNED WHETHER THE DEPARTMENT INTENDED TO NEGOTIATE SIMILAR TREATIES WITH OTHER COUNTRIES. THE RESPONSE WAS THAT NOT UNTIL THESE TWO TREATIES HAD BEEN RATIFIED AND IMPLEMENTED. THE WITNESSES WERE THEN EXCUSED AND THE COMMITTEE TURNED TO OTHER BUSINESS.

7. TODAY'S HEARINGS WILL BE HELD FOR HEARING FROM MEMBERS OF THE PUBLIC AND OTHER INTERESTED PARTIES. A SEPTTEL WILL FOLLOW REPORTING ON THAT SESSION. HEARINGS HAVE NOT BEEN SET YET FOR CONSIDERATION OF THE IMPLEMENTING LEGISLATION BUT IT IS HOPED THEY WILL BE SCHEDULED SOMETIME IN JULY. CHRISTOPHER

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-----171330Z 113380 /43

P 171250Z JUN 77

FM SECSTATE WASHDC

TO AMEMBASSY OTTAWA PRIORITY

UNCLAS STATE 139879

FOLLOWING REPEAT STATE 139879 ACTION MEXICO INFO CIUDAD JUAREZ
GUADALAJARA HERMOSILLO MATAMOROS MERIDA MAZATLAN MONTERREY
NUEVO LAREDO TIJUANA JUN 16

QUOTE UNCLAS STATE 139879

EO 11652: NA

TAGS: CARR

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FOR EXECUTION OF PENAL SENTENCES WITH CANADA AND MEXICO.

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HEARINGS ON THE TWO ABOVE TREATIES BETWEEN THE US AND MEXICO AND
CANADA WERE OPENED BY CHAIRMAN SPARKMAN. CONGRESSMAN FORTNEY
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Message Attributes

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Channel Indicators: n/a
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Disposition Approved on Date:
Disposition Case Number: n/a
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SAS ID: 2122382
Secure: OPEN
Status: NATIVE
Subject: SENATE FOREIGN RELATIONS COMMITTEE HEARINGS ON TREATIES FOR EXECUTION OF PENAL SENTENCES WITH CANADA AND MEXICO.
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To: MEXICO
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